

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

EUGENE AND DAYMEL SHKLAR
FOUNDATION,)
Plaintiff,)
v.) C.A. No. 04-CV-11529-JLT
IAN SIMMONS,)
Defendant.)

**JOINT MOTION TO EXTEND TIME
FOR COMPLETION OF DISCOVERY BY 90 DAYS**

Plaintiff Eugene and Daymel Shklar Foundation (the “Foundation”) and defendant Ian Simmons (“Simmons”) hereby jointly move to extend the time for completing all discovery in the above-captioned matter by 90 days, with a status conference to be scheduled at the Court’s convenience in November 2005. The parties are currently engaged in settlement discussions and are considering mediation as a means of resolving the present dispute. As such, the parties request an extension of the discovery deadline from July 29, 2005 to October 27, 2005.

In support of this motion, the Foundation and Simmons jointly state the following:

1. Pursuant to the Court's Order dated March 22, 2005, the deadline for completion of all discovery in this matter is July 29, 2005. A status conference is currently set for 10:00 a.m. on August 2, 2005.

2. The parties do not believe that, despite best efforts, they will be able to comply with the discovery deadline for a several reasons, which are set forth below.

3. The parties have, on several occasions over the past few weeks, discussed the possibility of settling this case. Though the parties have not been able to reach a settlement at

this point, the parties have a good faith belief that settlement remains a genuine possibility. However, the status of the parties' settlement discussions is such that the parties will not be able to conduct settlement discussions and complete discovery within the proscribed time period for the completion of discovery.

4. In addition, the parties are currently discussing the possibility of mediating this case. The parties are not yet at a point in their settlement discussions to decide whether mediation would be fruitful but agree that it may eventually be an effective means of resolving this matter. Should the parties proceed to mediate the case, the parties may seek an additional extension of time to complete discovery, if necessary.

5. The parties further request that the status conference currently set for August 2, 2005 be rescheduled to a date convenient to the Court in November 2005.

6. Postponing the discovery deadline will not prejudice either party, and will be in the best interests of justice and judicial economy.

WHEREFORE, the Foundation and Simmons jointly request that the Court allow this Joint Motion To Extend Time For Completion Of Discovery By 90 Days.

EUGENE AND DAYMEL SHKLAR
FOUNDATION,

By its attorneys,

/s/ Paul D. Abbot

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Dated: July 7, 2005